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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,073	08/01/2003	Edward R. Harrison	P16631	4234
25694	7590	07/13/2004	EXAMINER	
INTEL CORPORATION P.O. BOX 5326 SANTA CLARA, CA 95056-5326			ISSING, GREGORY C	
			ART UNIT	PAPER NUMBER
			3662	
DATE MAILED: 07/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/633,073

Applicant(s)

HARRISON, EDWARD R.

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the language "a storage device to store information . . . associated with *the* location information" is not clear. If the storage device is stored with service information derived at the same time as the first location information, then the selection of the service from the storage using the location information appears redundant. If on the other hand the storage device stores services indexed to (associated with) location information, then the selection logic selecting from the storage using the location appears proper. Thus, the question is whether the language should read "associated with *the* location information" or "associated with location information." Such language is existent in the other independent claims.

3. The language of claim 20 is not clear "determined based on prior pattern."
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-31 are rejected under 35 U.S.C. 102(a)/(e) as being anticipated by Lelievre et al.
6. Lelievre et al clearly anticipate the claimed system, method, product and apparatus for location-based selection of radio content sources, see Figure 1 for a server-centric mode, and Figure 2 for a client-centric mode, and Figure 4 for the operational steps of forming the database.

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7. Claims 1-31 are rejected under 35 U.S.C. 102(a) as being anticipated by Dutta et al.

8. Dutta et al disclose the claimed method, system, apparatus and computer product including a client, mobile data device (col. 5, lines 42-45) comprising a positioning device (col. 6, lines 19-63), and a location-based legal information service (LBLIS) server (202) which is centered on geocoded legal information subsystem (GLIS 200) which coordinates the compilation, storage, and retrieval of various forms of information. An active user subsystem (216) tracks each active unit or subscriber and can determine any geographically significant changes in position. Three modes of operation include a client-centric model, a server-centric model, or a hybrid-centric model (col. 9 – col. 10) wherein various levels of storage and selection of information are provided locally or remotely. The GLIS 200 may create geocoded jurisdiction and geocoded indexed law databases by cross referencing the respective information, jurisdiction and law, with geospatial information. The LBLIS server is coupled to a subscription database (208) that stores user profiles and preferences thereat and meets the scope of the selection of services on the basis of user-selected criteria. A typical use of the client device is described in col. 12, lines 15-37, wherein the client subscriber selects categories of information that are desired and based upon the location and selected categories, the service is provided to the client. The service(s) may be stored locally at the client and used accordingly, or the services may be stored remotely at the server and downloaded to the client at the appropriate time, or some of the service information may be provided at the client and some may be provided at the server which provides updates at appropriate times. The services may include legal information, maps, POIs, communication laws, etc which are relevant in an automatic fashion (col. 13, lines 1-6). Figure 5B, and its description at col. 15, lines 43-57) depicts the server-centric operation that corresponds to the claimed system (claim 1), method (claim 9), product (claim 15), and apparatus (claim 25).

9. Claims 1-31 are rejected under 35 U.S.C. 102(a) as being anticipated by Slupe.

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10. Slupe disclose the claimed apparatus including, as shown in Figure 2, a positioning receiver 36, a radio frequency receiver inherently incorporating a frequency tuner, and a controller 30 connected to the positioning receiver, the radio receiver, a memory and a user interface for tuning the radio receiver to a radio station that matches the determined position and a program content selected by the user. Figure 4 shows the memory storage for storing frequency information, location information and program content information. The information storage may be accomplished in one of several ways including FCC databases, manually entered by user, via a transportable media or transmitted from a radio station as a data stream.

11. Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Lyons.

12. Lyons discloses the claimed apparatus for controlling tuning of a radio 124 on the basis of location as determined by a conventional position determining unit 116, such as aGPS receiver, and user designated program style, i.e. criteria. A processor 112 has an associated ROM that stores one or more operating programs enabling the processor to carry out the functions and one or more RAMs for storing operating data. A database that includes the frequency and its associated location are accessible via the Internet or a telephone connection.

13. Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Morita et al.

14. Morita et al disclose the claimed system, method product and apparatus for using position and a criteria to access a database storing network services wherein a processor coupled to the database uses logic to compare requested criteria and determined location to information stored in the database to select those radio stations playing the user requested content, and the retrieval of such information at the mobile device so as to automatically tune the radio frequency tuner to the appropriate radio broadcast.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Odashima et al discloses an apparatus including GPS receiver 2, storage ROM 4 for storing tables of regions, receiving frequency bands, and frequency step widths, and a frequency

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tuner 7 wherein the frequency tuner is responsive to the determined position to select the frequency.

Zink et al disclose a system for presenting services to a mobile device on the basis of location and selection criteria.

Nee discloses an apparatus, product and method in which a set of broadcast channels is automatically selected on a mobile receiver based on the mobile receiver's location, a database of broadcast sources, and a predefined set of user preferences.

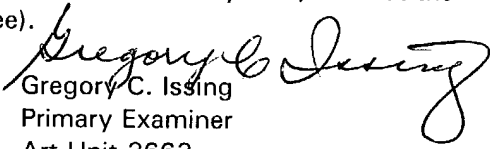
Tsubaki et al disclose a dynamically programmable frequency scanning radio that utilizes location and a database of frequency data including operating frequencies and locations of a plurality of parties and a compiler that identifies parties of interest based on the location of the receiver, and controlling the receiver frequency in response thereto.

Hickman et al discloses a communication configurator that configures a radio on the basis of location.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is 703-306-4156. The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 703-306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gregory C. Issing  
Primary Examiner  
Art Unit 3662

gci